

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2574-01
BILL NO.: HB 1206
SUBJECT: Corrections Department: Prisons & Jails
TYPE: Original
DATE: January 12, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue*	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)
Partial Estimated Net Effect on <u>All</u> State Funds*	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)

*--SUBJECT TO APPROPRIATIONS--

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of Administration** assume this proposal would not result in any additional costs or savings to their agency.

Official of the **State Courts Administrator** assume this proposal would establish a corrections ombudsman. There could be a small increase in civil and criminal caseloads, but any impact on the budget of the judiciary is likely to be small.

Officials of the **Office of the Attorney General** assume this proposal would have no fiscal impact to their agency.

Officials of the **Office of the Lt. Governor** assume that their office would be responsible for housing and the ombudsman and providing administrative support. This could result in the Lt. Governor's office needing to lease additional space and perhaps requesting additional support staff depending on the number of people hired in the ombudsman office. Lt. Governor officials assume the ombudsman personnel would be paid from another appropriated source as this proposal does not specify a funding source. There would be unknown costs to the Lt. Governor's office to implement this proposal.

In response to an identical proposal last session, officials of the **Department of Corrections** assumed that the costs associated with the operation of the Board of Corrections Ombudsman, Office of Ombudsman and related activities would be from funds appropriated for that purpose. It is uncertain how many complaints received by the Ombudsman would require full investigation; however, the number of allegations processed in FY98 by the DOC were as follows; Constituent Services Office - 9,590, Citizens Advisory Committee - 2,210, Inmate Grievance Process - 25,560 at Institutions and 6,185 at Division Level.

This proposal would require the DOC to provide 24-hour-a-day access to offenders, employees and related records at all facilities housing offenders. Failure to provide access would be punishable as a class D felony.

The DOC was unable to estimate the actual number of additional personnel resources necessary to ensure that offenders and staff on duty could be made available to Office of Corrections Ombudsman staff without compromising the safety and security of a correctional facility. However, at a minimum one additional evening and weekend security escort post (3.4 FTE) would be needed at each facility to insure access and the safety of non-institutional personnel.

ASSUMPTION (continued)

The estimated expenses for these additional custody staff is approximately \$89,000 per facility. The DOC currently houses inmates in eighteen institutions.

To insure 24 hour a day access to classification records, it would be necessary to call in records personnel who can access those files on weekends and evenings at an average over-time rate of \$15.75 per hour. Additionally, this proposal enables employees of the Ombudsman to access and gather offender records relevant to the complaint received. The DOC was unable to estimate the costs of copying such records but assumes this could be a significant expense to the facilities.

Since the actual number of complaints received by the Office of Ombudsman that would require after hours access to offenders and related records is unknown the DOC estimates the fiscal impact to be a range of \$1,602,000 to UNKNOWN.

Oversight assumes the bill does not require 24 hour access, rather it requires the DOC to allow access without advance written notice. **Oversight** has not included additional costs for custody staff.

Oversight assumes that some of the duties imposed by this proposal may duplicate duties currently being carried out by the DOC. Therefore, **Oversight** has shown possible unknown savings for workload reduction to current staff.

The State of Minnesota has an Ombudsman for Corrections office. Currently, Minnesota's Ombudsman office has a budget of approximately \$600,000 annually which consists of an Ombudsman with a salary of approximately \$88,500, one (1) assistant Ombudsman, five (5) Field Investigation Staff at a salary of \$2,719/mo., and two (2) clerical staff. The language of this proposal is silent on the issue of a funding source, but indicates that the Office of Corrections Ombudsman would be subject to appropriations. Minnesota's 1997 data indicates that the average daily population was 4,603 inmates. In the *Official Manual State of Missouri 1997-1998*, Missouri is reported to have 23,000 adult felons confined in DOC facilities. Reportedly, DOC also supervises 9,600 parolees and 43,000 probationers across the state. In all, DOC is responsible for the care, custody and supervision of more than 75,000 adult felons and misdemeanants. With an incarcerated population an estimated five times as large as Minnesota's, **Oversight** assumes an Office of Corrections Ombudsman in Missouri could potentially require five times the number of investigators as Minnesota. Twenty-five (25) Field Investigators @ \$32,628 = \$815,700 annually.

ASSUMPTION (continued)

Additionally, this proposal does not address whether the thirteen members of the Board of Corrections Ombudsman which would be created by this proposal would receive any remuneration. **Oversight** assumes the fiscal impact of this proposal is unknown, but could exceed \$1,000,000. As no funding source is identified in this proposal, Oversight assumes the fiscal impact would be to the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

<u>Cost - Office of the Lieutenant Governor</u>			
administrative support costs	(Unknown, under \$100,000)	(Unknown, under \$100,000)	(Unknown, under \$100,000)

<u>Savings - Department of Corrections</u>			
Constituent Services Office			
Office of Inspector General	Unknown	Unknown	Unknown

<u>Cost - Office of Corrections Ombudsman</u>			
staff, operational costs, expenses	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)	(Unknown, could exceed \$1,000,000)
	-SUBJECT TO APPROPRIATIONS-		

ESTIMATED PARTIAL NET EFFECT TO GENERAL REVENUE FUND*	<u>(Unknown, could exceed \$1,000,000)</u>	<u>(Unknown, could exceed \$1,000,000)</u>	<u>(Unknown, could exceed \$1,000,000)</u>
	-SUBJECT TO APPROPRIATIONS-		

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would establish the office of the Corrections Ombudsman within the office of the Lieutenant Governor and would create the Board of Corrections Ombudsman.

The Department of Corrections (DOC) would be required to provide the Ombudsman and his or her staff with access to correctional facilities, records, and any clients, employees, or prisoners without advance notice to facilities or DOC as part of an investigation.

Violations of certain provisions of this proposal would be a class D felony.

This legislation is not federally mandated and could require additional capital improvements or rental space. This proposal may duplicate in general the duties and responsibilities assigned to the Joint Committee on Corrections as provided under 21.440; 21.445; 21.45; 21.455; 21.460 and 21.465 RSMo. It also may duplicate the duties and responsibilities of the DOC's Constituent Services Office, the Office of the Inspector General, and the Department's Citizens Advisory Committee, which includes an investigator assigned by the Department of Public Safety.

SOURCES OF INFORMATION

Office of the Attorney General
Office of Administration
Office of the Lt. Governor
Office of State Courts Administrator
State of Minnesota's Ombudsman for Corrections
Official Manual State of Missouri 1997-1998

NOT RESPONDING: Department of Corrections

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A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive script.

Jeanne Jarrett, CPA
Director
January 12, 2000